

PETITION: SMALL CLAIMS CASE

CASE NUMBER (Court Use Only): 32-SC-14-64Plaintiff(s): David E. MackAddress: 7720 McCallum Blvd. #2099

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>	<u>972-735-9642</u>
City	State	Zip	Phone

VS.

IN THE JUSTICE COURT

JUSTICE OF THE PEACE
PRECINCT 3-2Defendant(s): Midland Credit Management, Inc.Address: 8875 Aero Drive Suite 200

<u>San Diego</u>	<u>CA</u>	<u>92123</u>	<u>800-825-8131</u>
City	State	Zip	Phone

COLLIN COUNTY, TEXAS

COMPLAINT: The basis for the claim which entitles the plaintiff to seek relief against the defendant is:

Plaintiff received a call on his wireless phone on December 4, 2013 at 8:44 PM from Defendant who used ATDS capable equipment to call his wireless phone # 682-560-1675 from 877-237-0512 without Plaintiff's consent to do so in violation of 47 U.S.C. § 227/Texas Bus. Code Ann. § 305.053. Defendant failed to identify itself as a debt collector or the purpose of its call when making the call in violation of 15 U.S.C. § 1692d.

RELIEF: Plaintiff seeks damages in the amount of \$ 1525 and/or return of personal property as described as follows (be specific): _____, which has a value of \$ _____. Additionally, plaintiff seeks the following: all costs of this action including, but not limited to, any attorney's fees. Trial by jury is requested.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:

Corporation Service Company d/b/a/ CSC - Lawyers Incorporating Service Company, 211 E. 7th St.

☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address:

mack2001@swbell.net

David E. Mack

Petitioner's Printed Name

David E. Mack
Signature of Plaintiff or Attorney

7720 McCallum Blvd. #2099

Address of Plaintiff or Attorney

<u>Dallas</u>	<u>Texas</u>	<u>75252</u>
City	State	Zip

972-735-9642

Phone Number/Fax Number

Defendant's Information (If known):

Date of Birth: _____

Last 3 Numbers of Driver's License: _____

Last 3 Numbers of SSN: _____

Defendant's Phone Number: 800-825-8131

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT PCT THREE PLACE TWO OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT. TOTAL AMOUNT OF DOCUMENTS INCLUDED _____

6/19/2014

Sandra Zerrell

CLERK OF COURT
JUSTICE COURT PCT. 3-2
COLLIN COUNTY, TEXAS

2014 MAY -1 PM 3:21
CLERK OF COURT
JUSTICE COURT PCT. 3-2
COLLIN COUNTY, TEXAS

AFFIDAVIT OF MILITARY STATUS OF DEFENDANT(S)

CAUSE NUMBER: 32-8C-14-124David E. Mack, PLAINTIFF

§

IN THE JUSTICE COURT

VS.

§

PRECINCT 3-2Midland Credit Managemen, DEFENDANT

§

COLLIN COUNTY, TEXAS

My name is [please print] David E. Mack

I am [check one] ☒ the plaintiff or ☐ an authorized agent of the plaintiff in the case described above. I am capable of making this affidavit. I have been duly sworn on oath and the facts in this affidavit are within my personal knowledge and are true and correct.

[check or fill in as applicable]

☒ 1. No defendant in this case is on active duty in the U.S. military (Army, Navy, Air Force, Marines or Coast Guard). The facts on which I base my conclusion are as follows:

The Defendant is a corporation and cannot serve in the U.S. Military.

☐ 2. Defendant [insert name(s)] _____ is on active duty in the U.S. military.

☐ 3. Defendant [insert name(s)] _____ has been deployed by the U.S. military to a foreign country.

☐ 4. Plaintiff and the undersigned (if the undersigned is acting agent of plaintiff) are not able to determine whether any defendant is in the U.S. military - except for any defendant named in 2 above.

☐ 5. Plaintiff and the undersigned (if the undersigned is acting as an agent of plaintiff) are not able to determine whether any defendant who is in the U.S. military has been deployed to a foreign country - except for any defendant named in 3 above.

☐ 6. Defendant [insert name(s)] _____ has signed, while on active duty, a *separate written waiver* of his or her rights under the U.S. Servicemembers Civil Relief Act of 2003.


Affiant

Sworn to and subscribed before me on this the 18th day of May, 2014


Notary Public

(Clerk)
Justice Court, Precinct 32
Collin County, Texas

Notary Public in and for the State of Texas


JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

CAUSE NUMBER (FOR CLERK USE ONLY):

32-SC-14-124STYLED David E. Mack v. Midland Credit Management, Inc.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet:		2. Names of parties in case:	
Name:	Telephone:	Plaintiff(s):	
<u>David E. Mack</u>	<u>972-735-9642</u>	<u>David E. Mack</u>	
Address:	Fax:	Defendant(s):	
<u>720 McCullum Blvd. #2099</u>		<u>Midland Credit Management, Inc.</u>	
City/State/Zip:	State Bar No:		
<u>Dallas, TX 75252</u>			
E-mail:		[Attach additional page as necessary to list all parties]	
<u>mack2001@att.net</u>			
Signature: 			
3. Indicate case type, or identify the most important issue in the case (select only 1):			
<input type="checkbox"/> Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		<input type="checkbox"/> Eviction: An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	
<input type="checkbox"/> Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.		<input checked="" type="checkbox"/> Small Claims: A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	

RECEIVED

JUN 05 2014
E 3:00 PM

STATE of TEXAS
CITATION

Cause No. 32-SC-14-00124

DAVID E. MACK	§	IN THE JUSTICE COURT
VS.	§	PRECINCT 3, PLACE 2
MIDLAND CREDIT MANAGEMENT, INC.	§	COLLIN COUNTY, TEXAS

THE STATE OF TEXAS TO MIDLAND CREDIT MANAGEMENT, INC., DEFENDANT, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

Citation Placed in the Hands of: Plaintiff for private process

Type of Case: Small Claims

STYLE

Plaintiff

DAVID E. MACK
7720 McCallum Blvd
#2099
Dallas TX 75252
Represented By:
, attorney

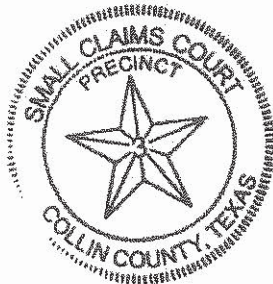
Defendant


MIDLAND CREDIT MANAGEMENT,
INC.
8875 Aero Drive
Suite 200
San Diego CA 92123
By Serving:

This citation is issued pursuant to a petition filed by the above-named plaintiff on May 01, 2014.

Your answer may be filed with this Court, at 920 E. Park Boulevard, Suite 210, Plano, Texas, 75074.

ISSUED this the 2nd day of June, 2014.




JUDGE JOHN E. PATTON
JUSTICE of the PEACE
PRECINCT 3, PLACE 2
COLLIN COUNTY, TEXAS
(972) 881-3180

FILED
2014 JUN 12 PM 4:35
JUSTICE COURT
PRECINCT 3, PLACE 2
COLLIN COUNTY, TEXAS
AFFIDAVIT

AFFIDAVIT OF SERVICE

DAVID E MACK

Plaintiff

V.

Cause No. 32-SC-14-00124

County of Collin

MIDLAND CREDIT MANAGEMENT, INC

Defendant

Came to hand on June 05, 2014, at 03:00 PM.

Executed at 211 E 7th Street, Suite 620, Austin, TX 78701, within the County of Travis at 9:12 AM on June 06, 2014, by delivering to the within named:

MIDLAND CREDIT MANAGEMENT, INC,

by delivering to its Registered Agent, CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY, by delivering to its designated agent, SUE VERTREES, in person, a true copy of this Citation together with Petition: Small Claims Case, Affidavit of Military Status of Defendant(s), and Justice Court Civil Case Information Sheet, having first endorsed upon such copy of such process the date of delivery.

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By: 

Jeff Keyton SCH-735,

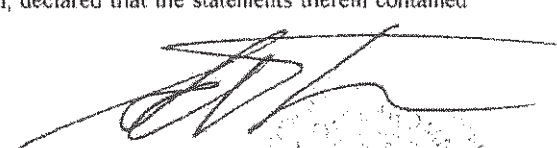
Exp: 7/31/2014

VERIFICATION

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Jeff Keyton, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this June 10, 2014.


NOTARY PUBLIC, STATE OF TEXAS

14-010036/David E Mack

FILED
2014 JUN 12 PM 4:35
JUSTICE COURT
FEL 3 PL 2
COLLIN COUNTY, TEXAS

OFFICER'S RETURN
(Civil)

Come to hand on the 5th day of June, 20 14, at 3:00 o'clock P M.,
and executed in _____ County, Texas by delivering to the within names defendants, to wit:

Delivered to: _____

at _____
on the _____ day of _____, 20 _____, _____ o'clock _____ M
each, in person, a true copy of the citation, having first endorsed on such copy of said citation the date
of delivery.

AFFIDAVIT ATTACHED

Not served as to the following defendant for reasons set opposite names _____

AFFIDAVIT ATTACHED

Copy \$ _____, Executing Officer

Precinct No. _____ County, Texas

By _____, Deputy
(Signature)

(Print/Stamp Name) _____, Deputy